

THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )

Plaintiff, )

vs. )

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al, )

Defendants. )

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MOTION FOR  
PRELIMINARY INJUNCTION HEARING  
  
BEFORE THE HONORABLE GREGORY FRIZZELL

VOLUME VIII  
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March 11, 2008

1 changing how water was routed, putting in new  
2 culverts where they were inadequate and would flood  
3 in the fields, a number of low tech solutions to the  
4 problem and then actually quantify how much we could  
5 reduce the bacteria, and in doing that, we reduced  
6 fecal coliform bacteria by about 75 percent even  
7 though we only worked with two out of the three  
8 farmers, the third one wasn't willing to work with  
9 us. We're focused on the source and trying to  
10 remediate that source of fecal bacteria.

03:08PM

03:09PM

11 THE COURT: I think Miss Burch's next  
12 question is going to focus on source tracking.

13 Q Are there any source tracking methodologies  
14 that have been used in the Tillamook watershed?

15 A Yes, there have been two that I'm aware of.  
16 The first one is bacterial antibiotic resistance  
17 work, and I actually collected the samples that were  
18 used in that and consulted with the scientists at  
19 Oregon State University who did that work, although  
20 I wasn't directly involved in interpreting the data  
21 or doing other bacteriology analyses. So that was  
22 done to try to discriminate in -- the basis for that  
23 is that these bugs that are out there are used to  
24 being exposed to certain antibiotics. If the bugs  
25 that come out of people used to being exposed to

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1 people antibiotics, if there are bugs from cows,  
2 they're exposed to cow antibiotics and so on. So  
3 looking at the suite of resistance of the bacteria  
4 to a whole group of antibiotics, you can get some  
5 insight in terms of whether they came out of people  
6 or came out of cows or came out of wildlife. So  
7 that study was conducted, and then there was also a  
8 DNA study that was conducted. I was not involved in  
9 that at all. I had interactions with agency people  
10 who were involved with it, had discussions, but I  
11 have no firsthand knowledge about, what came out of  
12 that study and have not read the report that came  
13 out of that study.

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14 Q Do you know whether anybody in Oregon is  
15 relying on that to make decisions on what happened  
16 in the watershed?

03:10PM

17 A All I can provide is some hearsay. I'm not  
18 sure you want my hearsay. I don't have any  
19 definitive answer to that question.

20 Q You don't know?

03:10PM

21 A I don't know the answer to that question  
22 myself, no.

23 Q Okay. That's fine. I'm going to give you  
24 what I have marked here as Exhibit 602. Do you  
25 recognize that?

03:11PM